

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JARVIS TOUSSAINT,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

No.CR 12-0407 CW

ORDER TO SHOW
CAUSE

On June 27, 2016, Movant Jarvis Toussaint filed a motion under 28 U.S.C. § 2255, challenging his conviction. Docket No. 202. On July 22, 2016, the Court entered an order transferring the § 2255 motion to the Ninth Circuit for consideration as an application to file a successive § 2255 motion. Docket No. 206. The Ninth Circuit has now entered an order authorizing Movant to file an amended § 2255 motion and providing that the amended § 2255 motion shall be deemed filed in this Court. Accordingly, the Court orders the government to respond to the amended § 2255 motion.

The following deadlines will apply, unless the parties submit a stipulation and order for a shorter briefing schedule: (1) within seventy-five days from the date of this order, the government shall file an opposition conforming in all respects to Rule 5 of the Rules Governing Section 2255 Proceedings, showing cause why the court should not "vacate, set aside or correct the sentence" being served by Movant; (2) Movant shall file a reply brief forty-five days after the opposition is filed. Thereafter, the matter will be deemed submitted on the papers, unless the Court orders otherwise.

IT IS SO ORDERED.

Dated: February 6, 2017


CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

TOUSSAINT,

Defendant.

Case No. [12-cr-00407-CW-1](#)

CERTIFICATE OF SERVICE

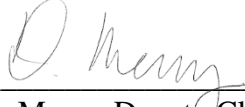
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 6, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jarvis Toussaint
17268-111
Federal Correctional Institution
P.O. Box 800
Herlong, CA 96113

Dated: February 6, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
Doug Merry, Deputy Clerk to the
Honorable CLAUDIA WILKEN